

RECEIVED  
CENTRAL FAX CENTER

SEP 08 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Stoodley	)	Art Unit: 2195
	)	
Serial No.: 09/867,362	)	Examiner: Banankhah
	)	
Filed: May 29, 2001	)	CA920000080US1
	)	
For: <b>EFFICIENT LOCKING FOR THREAD-SAFE SELF-MODIFYING CODE</b>	)	September 8, 2005
	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

RESPONSE TO OFFICE ACTIONCommissioner for Patents  
Alexandria, VARECEIVED  
SEP 16 2005  
OFFICE OF PETITIONS

Dear Sir:

These remarks are in response to the Office Action dated April 8, 2004, rejecting all pending claims (1-21) under 35 U.S.C. §103 as being unpatentable over Moriarty et al., USPN 6,446,149.

Moriarty et al., col. 6, line 34 to col. 7, line 15 teaches only exchanging the contents of the semaphore and the EAX register once it is determined that the semaphore is not busy as indicated by a binary value. Contrary to the allegation in the Office Action, this cannot be the claimed compare/exchange function because all that the relied-upon portion of Moriarty et al. is doing is comparing a binary value to a zero or one to determine whether the semaphore is free for an exchange, whereas in Claim 1, for example, the comparison is between an unreserved lock value with a first instruction *in the defined block of self-modifying code*. Since one skilled in the art would not regard a binary test to be a comparison of something against an "instruction" (see MPEP §2111.01, requiring claims to be interpreted as one skilled in the art would interpret

1176-7.AMD